

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference PHNL040228WO	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/IB2005/050594	International filing date ( <i>day/month/year</i> ) 17 February 2005 (17.02.2005)	Priority date ( <i>day/month/year</i> ) 23 February 2004 (23.02.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant KONINKLIJKE PHILIPS ELECTRONICS N.V.			

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).																								
2.	This REPORT consists of a total of 7 sheets, including this cover sheet.  In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 60%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

<p style="text-align: center;">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 30 August 2006 (30.08.2006)</p> <p>Authorized officer  <div style="text-align: center; font-weight: bold;">Cecile Chatel</div></p> <p>e-mail: pt13@wipo.int</p>
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# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 25 AUG 2005

WIPO

PCT

PCT

To:

1/9.

see form PCT/ISA/220

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/B2005/050594

International filing date (day/month/year)  
17.02.2005

Priority date (day/month/year)  
23.02.2004

International Patent Classification (IPC) or both national classification and IPC  
G11B20/00

Applicant  
KONINKLIJKE PHILIPS ELECTRONICS N.V.

### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - Gitschiner Str. 103  
D-10958 Berlin  
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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IB2005/050594

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IB2005/050594

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
Industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-26
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-26
Industrial applicability (IA)	Yes: Claims	1-26
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

Re Item V.

1 Reference is made to the following documents:

D1: EP-A-1341378

D2: DVD demystified, Jim Taylor, p-332,333

D3 : "ISO/IEC CD 13818-: INFORMATION TECHNOLOGY - GENERIC CODING  
OF MOVING PICTURES AND ASSOCIATED AUDIO INFORMATION PART 2:  
VIDEO" INTERNATIONAL STANDARD - ISO, ZUERICH, CH, no. 659, 1  
December 1993 (1993-12-01), pages A-C,I, XP000567291

D4 : PATENT ABSTRACTS OF JAPAN vol. 016, no. 056 (P-1310), 12  
February 1992 (1992-02-12) & JP 03 254470 A (FUJITSU LTD), 13 November  
1991 (1991-11-13)

D5 : PATENT ABSTRACTS OF JAPAN 5 November 2003 (2003-11-05)  
& JP 2003 203422 A (SONY CORP), 18 July 2003 (2003-07-18)

2 INDEPENDENT CLAIMS 1, 11, 14, 16, 18-24:

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 11, 14, 16, 18-24 is **not inventive** in the sense of Article 33(3) PCT.

2.1 Claim 1:

A DVD recorder for recording streaming content (from a set top box for example) is known from the prior art and denominated DVD-SR or DVD-RTR (see for example D1 or D2). The streaming content includes encrypted and non-encrypted material, organised in packets, each packet having a header with an identifier (ID) for identifying the content of the packet. The following features of claim 1 are therefore known from D1, this document being merely cited as an example of a DVD-RTR:

Method of encrypting a data stream comprising at least one stream of

audiovisual data, comprising the steps of:

- (a) segmenting the stream of audiovisual data in data segments (the packets of D1);
- (b) providing the data segments with ID data in an ID segment (see paragraph [055]);
- (c) partly encrypting the data segments, leaving the ID segment unencrypted (in D1, the ID is also unencrypted, see paragraph [0055]).

The subject-matter of claim 1 differs from the method known from standard streaming DVD recorders such as disclosed, for example, in D1 in that:

the ID data being different from ID data being pre-determined to identify the type of data in the stream of audiovisual data.

The problem to be solved by the present invention may therefore be regarded as:

preventing the reproduction of the data segments containing encrypted information to be reproduced by a standard ("legacy") reproducing apparatus.

The derivation of the problem is immediate. When a DVD with encrypted information is reproduced by an apparatus which cannot decrypt this information, the man skilled in the art will immediately identify that the unpleasant noises heard in the speakers and the image seen on the screen are due to the encrypted information, so that he will wish to prevent the reproduction of the packets containing the encrypted information.

The easiest way to achieve this, is to change the packet ID, so that the packet is skipped by the reproducing apparatus. This solution is standard, all the more as it is known from the MPEG-2 standard specification (see D3). The attention is also drawn to D4 and D5, which are cited as further evidence, if it needs to, that this solution is well known in the prior art.

2.2 Claim 11 is a circuit claim corresponding to method claim 1 and does not involve an

inventive step for the same reasons.

2.3 The subject-matter of claim 14 does not go beyond the normal operation of a decoding apparatus identifying incoming packets according to their IDs and forming a stream accordingly. Neither method claim 14 nor its corresponding circuit claim 16 involve an inventive step.

2.4 Claims 18-24 are programme or data carrier claims corresponding to claims 1 or 14, and do not involve an inventive step for the same reasons.

**3. DEPENDENT CLAIMS 2-10, 12, 13, 15, 17, 25, 26**

Dependent claims 2-10, 12, 13, 15, 17, 25, 26 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and inventive step, because their subject-matter is known from a standard DVD-RTR apparatus, such as the one disclosed in D1.